IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

Bail Appl..No. 4412 of 2007()

CRIME NO.83/07 OF ELATHUR POLICE STATION, ELATHUR.

PETITIONER : ACCUSED:

SASIKUMAR, S/O.RAJAGOPALAN NAIR,
THENGHARAKANDY THAZHAM HOUSE, EDAKKAD,
KUNDU PARAMBA, PUTHIYANKADY, KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT AND STATE:

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1. SUB INSPECTOR OF POLICE, ELATHUR POLICE STATION, ELATHUR, KOZHIKODE.

2. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4412 OF 2007

Dated this the 23rd day of July, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the deceased. The petitioner and the deceased allegedly went to the bed room on the night of 3/5/07 to sleep. The wife was allegedly not found in the room later towards morning. The petitioner got up and made enquiries. According to him, his wife was found lying in the courtyard. He allegedly made a hue and cry. People including his brother occupying in the same house assembled. The wife was rushed to the hospital. She was declared dead. A postmortem examination was conducted. It came out that the hapless woman did bear marks of serious injuries inflicted on her. A crime was initially registered under the caption “suspicious/ unnatural death”. Later, after getting the postmortem report, the Section of the offence was altered to Sec.302 of the IPC.

Investigation is in progress. The learned Public Prosecutor submits that the needle of suspicion is pointed at the petitioner and his brother. They have to be interrogated. Police is thinking of resorting to scientific methods like polygraph, brain mapping and narco analysis tests. The petitioner has to co-operate. The petitioner may have to be arrested later and subjected to further interrogation. At this stage, it is not necessary or expedient to permit the petitioner to arm himself with an order of anticipatory bail. He must co-operate with the Investigator. In these circumstances, the prayer for anticipatory bail may be rejected, submits the learned Public Prosecutor.

2. The learned counsel for the petitioner submits that the petitioner is willing to co-operate with the Investigator. Inasmuch as, it is stated by the learned Public Prosecutor that the petitioner is not arrayed as accused yet, the petitioner does not at this stage seek any further relief, submits the learned counsel for the petitioner. That submission is accepted and this application under Sec.438 of the Cr.P.C. is dismissed, as agreed.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. To Judge